

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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ROBERT GORSKI and JUDITH GORSKI,

Plaintiffs-Appellees,

v

JAMES RIDDLE, RENE ROB PARE, ERIC  
HEINER and MICKEY DEAN,

Defendants-Appellants.

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UNPUBLISHED

November 4, 1997

No. 196754

Wayne Circuit Court

LC No. 94-427636 NO

Before: Holbrook, Jr., P.J., and Michael J. Kelly and Gribbs, JJ.

MEMORANDUM.

Defendants appeal by leave granted from a Wayne Circuit Court order, denying their motion for summary disposition predicated on governmental immunity. The circuit court found an issue of fact existed whether defendants, employees of a municipal golf course, were grossly negligent, as defined by § 7(2)(c) of the Governmental Immunity Act, MCL 691.1407(2)(c); MSA 3.996(107)(2)(c). This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendants' alleged negligence consisted of rewiring the ignition system of the motorized golf carts so they could be operated without a key. Assuming for purposes of this appeal that this was negligence, for plaintiff to have been injured in the manner that actually occurred, significant subsequent and supervening events of negligence by third parties had to occur. Here, the golf carts had been arranged to facilitate the "shotgun start" of the persons participating in the political fundraising event. The driver of the cart which struck plaintiff had to assume that the carts, despite being so arranged, were inoperable, and had to have attempted to operate the machine by depressing the accelerator pedal while plaintiff was standing directly in front of him. The actions of defendants, even if negligent, do not represent conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results. On this point, reasonable minds could not differ. *Harris v University of Michigan Board of Regents*, 219 Mich App 679, 694; 558 NW2d 225 (1996); *Cebreco v Music Hall Center for the Performing Arts, Inc.*, 219 Mich App 353, 362; 555 NW2d 862 (1996); see also *Smith v Kowalski*, 223 Mich App 610; \_\_\_NW2d \_\_\_ (1997).

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Kelly

/s/ Roman S. Gibbs